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AUG 25 2005

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To	Company	Fax Number	Phone Number
1. Examiner Dwayne Bost, Group Art Unit 2686	USPTO - Central Fax Number	(571) 273-8300	

Date	Client/Matter Number
8/25/2005	100794-11342
From	Attorney Number
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Total number of pages, including cover letter: 6
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Comments

Inventor : Kenji Nemoto
Title : Radio Communication System and Method
Serial No. : 09/426,654
Confirmation No. : 2188
Filed : 10/25/1999
Examiner : Perez Gutierrez, Rafael
Group Art Unit : 2686

FOLLOWING THIS COVER ARE THE FOLLOWING:

- Petition to Withdraw Holding of Abandonment (3 pages)
- Statement of Brandi Franklin in Support of Petition to Withdraw of Holding of Abandonment (2 pages)

For Messenger Department Use Only

Your fax has been sent. Attached is your original.

Date _____ Time _____

Signature _____

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Serial No.: 09/426,654
Page 1 of 3**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Title : Radio Communication System and Method
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Group Art Unit : 2686

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Name: Linda S. Chan

Signature: 

Date: August 25, 2005

August 25, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Petition to Withdraw Holding of Abandonment

To the Commissioner for Patents:

Examiner Dwayne Bost contacted the applicant's attorney, Brian Myers, by telephone and advised him that the above-referenced patent application became abandoned because the RCE, petition for extension of time, and amendment filed on May 6, 2005 included a typographical error in the serial number, misidentifying the serial number as 09/424,654 (emphasis added), rather than 09/426,654. Examiner Bost indicated that the Office was in receipt of the submission faxed on May 6, 2005 and the applicant's fax dated May 16, 2005 resubmitting the RCE, petition for extension of time, and amendment originally filed on May 6, 2005. However, Examiner Bost noted that the applicant should file a Petition to Withdraw the

84071870_1

Serial No.: 09/426,654

Page 2 of 3

Holding of Abandonment of this application together with a statement of Brandi Franklin, the person who faxed the May 6, 2005 submission and signed the Certificate of Transmission, pursuant to 37 CFR 1.8(b). Thus, Applicant hereby files this petition to withdraw the holding of abandonment for the above-referenced application.

An RCE, petition for one-month extension of time, and an amendment were timely filed in the above-referenced application on May 6, 2005. As evidenced by the Send Report faxed on May 16, 2005 to the USPTO with a copy of the May 6, 2005 submission, the May 6, 2005 fax was successfully transmitted to the USPTO on May 6, 2005.

In support of this petition, enclosed herewith is a statement of Brandi Franklin, who faxed the May 6, 2005 submission and signed of the certificate of transmission for the same, pursuant to 37 CFR 1.8(b).

In view of the foregoing, it is respectfully requested that the holding of abandonment for the current application be withdrawn and the RCE and Amendment filed on May 6, 2005 be entered and examined.

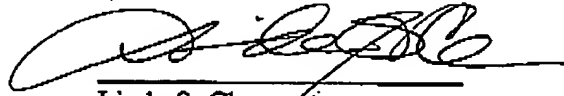
It is believed that no fee is due with this petition. However, if any fee is due with this paper, the Commissioner is hereby authorized to charge such fee to Deposit Account No. 50-1290.

84071870_1

Serial No.: 09/426,654
Page 3 of 3

Please direct any inquiries regarding this petition to the applicant's undersigned attorney,
who may be reached by telephone directly at (212)940-8712.

Respectfully submitted,



Linda S. Chan
Reg. No. 42,400

Attorney Docket No.: FUJR 16.535 (100794-11342)
Customer Number: 026304
Phone: (212)940-8800
Fax: (212)940-8776

Serial No.: 09/426,654

Page 1 of 2

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Name: Linda S. Chan

Signature: 

Date: August 25, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Statement of Brandi Franklin in Support of
Petition to Withdraw Holding of Abandonment**

I, Brandi Franklin, hereby declare as follows:

1. On May 6, 2005, I filed by facsimile to the USPTO, in accordance with 37 CFR 1.8(b), for the above-referenced application the following:
 - 1) Transmittal Form (PTO/SB/21);
 - 2) Petition for Extension of Time Under 37 CFR 1.36(a) – one month;
 - 3) Request for Continued Examination (RCE) Transmittal; and,
 - 4) Amendment After Final
2. The submission faxed on May 6, 2005 noted above, included a typographical error of the serial number. The serial number was inadvertently identified as 09/424,654 (emphasis added). The correct serial number for the submission is 09/426,654.
3. My signature appears on the certificate of transmission on the Transmittal Form.

84071829_1

Serial No.: 09/426,654

Page 2 of 2

4. The Send Report previously submitted on May 16, 2005 (which also misidentified the serial number as 09/424,654) shows the successful transmission of the fax I sent on May 6, 2005 of the submission noted above.
5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

8/24/05

Brandi Franklin
Brandi Franklin

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